



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Fax-On-Demand 202 / 418-2830
TTY 202 / 418-2555
Internet: <http://www.fcc.gov>
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DA 14-113

Released: January 31, 2014

WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON REQUEST BY CRICKET LICENSE COMPANY FOR WAIVER OF SECTION 27.60 FOR LOWER 700 MHZ A BLOCK LICENSE

WT Docket 14-17

Comment Date: March 3, 2014

Reply Comment Date: March 18, 2014

By this *Public Notice*, the Wireless Telecommunications Bureau (Bureau) seeks comment on the request for a waiver and associated technical studies filed by Cricket License Company, LLC (Cricket).¹ Cricket seeks a waiver of Commission rule Section 27.60, which requires 700 MHz wireless licensees to comply with certain interference protection requirements when operating near existing TV and DTV broadcast stations transmitting on TV Channels 51 through 68.²

Cricket is required to protect the adjacent Channel 51 DTV broadcast station, WPWR-TV, operated by Fox Television Stations, Inc. (Fox) and seeks a waiver of the Section 27.60 protection criteria to deploy a Lower 700 MHz A Block license (call sign WQJQ707) in the Chicago-Gary-Kenosha, IL-IN-WI BEA (BEA 064).³ Cricket states that a grant of the requested waiver is in the public interest because “the growing demand for wireless broadband services and the surging need for network capacity are well documented, principally in urban areas,”⁴ that any LTE operations deployed to serve the populous urban

¹ Petition of Cricket License Company, LLC (Cricket) for a Waiver of DTV Protection Criteria, *Attachment*, Universal Licensing System (ULS) File No. 0006046277 (filed Dec. 6, 2013) (Cricket Waiver Request). Cricket’s supporting exhibits can also be accessed in ULS under Application Search (File No. 0006046277) through the “Admin” tab, followed by “All Attachments.”

² 47 C.F.R. § 27.60. Section 27.60 requires that “base, fixed, control and mobile transmitters in the 698–763 MHz, 775–793 MHz, and 805–806 MHz frequency bands must be operated only in accordance with the rules in this section to reduce the potential for interference to public reception of the signals of existing TV and DTV broadcast stations transmitting on TV Channels 51 through 68.” Section 27.60 further requires that wireless licensees reduce the potential for interference to existing TV and DTV stations by selecting one of four methods: 1) utilizing the geographic separation tables specified in the rule; 2) calculate geographic separation in accordance with the required desired-to-undesired signal (D/U) ratios; 3) submit an engineering study justifying proposed separations; or 4) obtain written concurrence from applicable TV/DTV stations. *See id.*

³ *See id.* *See* Cricket Waiver Request at 1. We note that Fox filed a request for leave to file an Opposition to the Cricket Waiver Request by February 17, 2014. *See* Letter from Joseph M. Di Scipio, Vice President, Legal and FCC Compliance, Fox Television Stations, Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission (Jan. 17, 2014). The pleading cycle in this Public Notice establishes comment and reply comment deadlines falling after the February 17, 2014 deadline requested by Fox, and we therefore dismiss as moot Fox’s request for leave to file an Opposition by February 17, 2014.

⁴ *See* Cricket Waiver Request at 18-19, 21.

center of Chicago “would exceed the D/U threshold in the rule and have the potential to cause interference into DTV operations, albeit only to a *de minimis* number of viewers,”⁵ and grant of the waiver would promote rapid deployment of the Lower 700 MHz A Block spectrum in Chicago.⁶

Cricket’s waiver is accompanied by an independent laboratory test and probability analysis,⁷ which conclude that the proposed deployment would impact only 20 viewers watching the Channel 51 broadcast station’s signal over-the-air while operating an LTE handset more than 1.5 meters away from the DTV receiver antenna.⁸ Cricket states that the testing methodology and predictive engineering models employed in Cricket’s analysis are fully consistent with the Commission’s testing approaches and prior precedent waiving DTV protection criteria.⁹ We seek comment on the technical analysis provided in Cricket’s waiver request.

Finally, Cricket requests that any waiver relief granted be transferrable to a future successor of Cricket that acquires *de facto* control of the license, as contemplated in the pending application seeking approval to transfer control of Cricket to AT&T, Inc.¹⁰ Cricket claims that if its interference analysis were scaled for deployment by a successor carrier, the projected number of affected viewers would still be *de minimis*.¹¹

Procedural Matters

Comments on the request are due **March 3, 2014**. Reply comments are due **no later than March 18, 2014**. All filings should reference the docket number of this proceeding, **WT 14-17**.

This proceeding has been designated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.¹² Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of

⁵ *Id.* at 7.

⁶ *See id.* at 1.

⁷ *Id.* at 3. *See* ULS File No. 0006046277, Attachments (Exhibit B – Intertek Report, Exhibit C – Newfield Report) (filed Dec. 6, 2013).

⁸ *Id.* at 3-4;

⁹ *See id.* at 14.

¹⁰ *See id.* at 5; *See* Application of AT&T Inc. and Cricket License Company, LLC for Consent to Transfer Control of Licenses and Authorizations, ULS File No. 0005860676 (*lead application*) (filed Aug. 1, 2013; amended Nov. 1, 2013).

¹¹ *See* Cricket Waiver Request at 5-6.

¹² *See* 47 C.F.R. §§ 1.1200(a), 1.1206.

electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

-Effective December 28, 2009, all hand-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., S.W., Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Envelopes must be disposed of before entering the building. The filing hours at this location are 8:00 a.m. to 7:00 p.m. **PLEASE NOTE:** The Commission's former filing location at 236 Massachusetts Ave., N.E. is permanently closed.

-Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

-U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, DC 20554.

Parties are requested to send one copy of their comments and reply comments to Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, DC 20554, (800) 378-3160, e-mail FCC@BCPIWEB.com.

The request, and comments and reply comments filed in response to this *Public Notice* are available for viewing via the Commission's Electronic Comment Filing System (ECFS) by entering the docket number, **WT 14-17**. The documents also will be available for public inspection and copying during business hours in the FCC Reference Information Center, Portals II, 445 12th Street S.W., Room CY-A257, Washington, DC 20554. They may also be purchased from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail FCC@BCPIWEB.com.

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For further information, contact Ms. Becky Schwartz of the Mobility Division, Wireless Telecommunications Bureau at (202) 418-7178, or via e-mail at Becky.Schwartz@fcc.gov.

Action by the Chief, Mobility Division, Wireless Telecommunications Bureau.

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